

**STATUTORY CONSTRUCTION – Rules of construction apply to construction of court rules, ordinances, and initiatives as well as statutes.....Revised 12/2009**

Courts construing procedural rules promulgated by the Arizona Supreme Court “employ the traditional tools of statutory construction,” just as they do when construing statutory provisions. *Medders v. Conlogue*, 208 Ariz. 75, 78, ¶ 9, 90 P.3d 1241, 1244 (App. 2004). *Accord*, *Chronis v. Steinle*, 220 Ariz. 559, 560, ¶ 6, 208 P.3d 210, 211 (2009); *Campbell v. Barton*, 222 Ariz. 414, ¶ 8, 215 P.3d 388, 390 (App. 2009).

Courts also interpret city ordinances using the same rules of statutory construction. *City of Tucson v. Clear Channel Outdoor, Inc.*, 218 Ariz. 172, 183, ¶ 33, 181 P.3d 219, 230 (App. 2008); *Thomas and King, Inc. v. City of Phoenix*, 208 Ariz. 203, 206, ¶ 9, 92 P.3d 429, 432 (App. 2004).

Likewise, in construing the language of an initiative proposition passed by the electors of the state and enacted into statute, the court’s primary objective is “to give effect to the intent of the electorate.” *Arizona Early Childhood Development & Health Bd. v. Brewer*, 221 Ariz. 467, ¶ 10, 212 P.3d 805, 808 (2009). *Accord* *State v. Reinhardt*, 208 Ariz. 271, 274, ¶ 9, 92 P.3d 901, 904 (App. 2004). Courts use the rules of statutory construction to determine the elector’s intent. *State v. Gomez*, 212 Ariz. 55, 57 ¶ 11, 127 P.3d 873, 876 (2006) (if language in a statute passed by initiative is ambiguous courts will consider “the statute’s context; its language, subject matter, and historical background; its effects and consequences; and its spirit and purpose”); *State v. Estrada*, 201 Ariz. 247, 250, ¶ 15, 34 P.3d 356, 359 (2001). To this end, courts examine materials such as the statements of findings passed with the measure and the publicity pamphlet for the initiative, which the Secretary of State distributes before the election. *Arizona Early Childhood Development*, 221 Ariz. at 417, ¶ 14, 212 P.3d at

809; see also *Gomez*, 212 Ariz. at 59, ¶ 20, 127 P.3d at 877 (examining findings in publicity pamphlet to determine purpose).